

**PROOF OF EVIDENCE OF DAVID STOCKDALE MA BA(Hons)  
MRTPI**

**ON BEHALF OF  
SOUTH GLOUCESTERSHIRE COUNCIL**

Public Inquiry:

Land to the South of Badminton Road Old Sodbury South Gloucestershire

**APPLICATION REFERENCE P21/03344/F**

**APPEAL REFERENCE APP/P0119/W/22/3303905**

LPA REF: P21/03344/F

PLANNING INSPECTORATE REF: APP/P0119/W/22/3303905

September 2022

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## **1.0 Qualifications and Experience**

- 1.1 My full name is David George Stockdale. I hold an MA in Town and Country Planning from the University of the West of England. I am a Chartered Member of the Royal Town Planning Institute, gaining my Chartered status in 2005.
- 1.2 I am a Principal Planning Officer within the Development Management Team for South Gloucestershire Council and I have worked for the Council since January 2004. I am responsible alongside supervisory responsibilities for making recommendations/decisions on a wide variety of planning application types across the South Gloucestershire Council area.
- 1.3 Prior to joining South Gloucestershire Council, I was a Planning Officer with Bristol City Council from 1998 until 2004. From 1988 until 1998 I held several planning related positions at Bristol City Council.

### **Declaration**

- 1.4 The evidence I have prepared for the Public Inquiry in this proof of evidence is true and has been prepared in accordance with the guidance and code of the Royal Town Planning Institute. The opinions expressed are true.

### **Scope of Evidence**

- 1.5 I provide planning evidence in respect of this appeal proposal ref APP/P0119/W/22/3303905
- 1.6 The scope of my evidence is set out as follows:
  - Section 1 outlines my qualifications and experience
  - Section 2 provides a description of the appeal proposal
  - Section 3 provides the planning policy context
  - Section 4 outlines the Council's current Housing Land Supply position
  - Section 5 details the case for the Local Planning Authority
  - Section 6 details the summary and conclusions

## 2.0 Appeal Proposal and Site Overview

### Appeal Proposal

#### 2.1 The appeal proposal seeks

Full Planning permission for the *“Erection of 35 no. dwellings with garages and associated works”*

### Site Overview

- 2.2 The application site consists of approximately 1.5 hectares of broadly level ground that has been used for grazing animals (this land has been used in the past as a compound for railway works on the nearby railway line to the south of the site). A small area of land at the western end of the site formed part of the garden of the Sodbury House Hotel. Site boundaries are hedgerows interspersed in places with mature trees. There is an access at the extreme north-east corner of the site on to Badminton Road A432.
- 2.3 To the immediate west of the site lies the Sodbury House Hotel and its curtilage while to the east lies Chestnut House and a transport yard with its associated buildings. The southern boundary is defined by the main railway line which sits at a lower level within a cutting. A narrow strip runs along the northern boundary partially occupied by allotments separating the site from the A432.
- 2.3 The site lies outside of the settlement boundary of Old Sodbury approximately 250m to the west. The boundary lies on both sides of the Badminton Road however the bulk of the settlement lies on the northern side of the busy A432 where there is a filling station (with small shop), some public open space, primary school further to the north (750 m from the middle of the site), village hall and church. The settlement boundary of Chipping Sodbury lies approximately 1.2km to the west, with associated retail provision and schools including a secondary school at a further distance. There are two bus stops on either side of the A432
- 2.4 The Frome Valley Walkway, a Public Footpath crosses the middle of the site from a bridge crossing the railway. The site lies outside of the Green Belt (which lies to the south of the railway line) and the Area of Outstanding Natural Beauty. The site itself is classified as Grade 4 agricultural land. To the north on the opposite side of A431 lies the Grade II Listed Hartley House, which is an estate agent, with a further Grade II building known as Springrove further to the north.

### **3.0 Planning Policy Context**

- 3.1 In order to assess the acceptability or otherwise of this proposal, consideration must be given to both national and local policy as far as it is material.
- 3.2 In accordance with Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 all decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.3 For the purposes of this appeal, the Development Plan for South Gloucestershire Council comprises the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 (CD1.1) and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 (CD1.3).
- 3.4 The Core Strategy sets out the vision, community objectives and the spatial strategy for the plan period 2006 to 2027.

#### **Adopted Development Policy**

##### **South Gloucestershire Core Strategy 2006 – 2027**

- 3.5 The CS was adopted in December 2013. Overall, the CS makes provision for 28,355 new homes in the period 2006 – 2027, as identified under Policy CS15 (CD1.1 E). The standard methodology for calculating housing need gives a requirement of 1353 dwellings to be provided each year. This rises to 1420.5 dwellings per year to take account of the 5% buffer. For the past three years the Council has exceeded its delivery target and is on track to meet the target of 1420.5 dwellings per year.
- 3.6 To provide this new housing and the necessary infrastructure to support sustainable communities, the plan's Strategy for Development concentrates new development within the Bristol North Fringe/ East Fringe urban areas and development of an appropriate scale to achieve greater self-containment at Yate, Chipping Sodbury and to revitalise the town centre and strengthen community services and facilities at Thornbury. These are places where essential infrastructure is in place or is planned. This will reduce the need to travel and commute, accompanied by a package of public transport measures, and supported by other community infrastructure reflected in Policy CS5 (CD1.1 B).
- 3.7 The appeal site is in the open countryside beyond the defined settlement boundary for Old Sodbury and is not an allocated site for housing development. Policy CS5 (CD1.1 B) states that new development in the open

countryside will be limited and as a result the proposal is in direct conflict with Policy CS5.

- 3.8 Policy CS34 (CD1.1 I) focusses on the vision for the rural areas and sets out a series of criteria for development proposals, including the protection, conservation, and enhancement of the rural areas' heritage. Policy CS34 also seeks the protection of Best and Most versatile Agricultural Land, the unique and valuable setting provided by the rural areas to the urban areas, maintenance of the settlement boundaries around rural settlements and provision of affordable housing.

### **South Gloucestershire Policies, Sites and Places Plan**

- 3.9 The Policies, Sites and Places Plan (PSP Plan CD1.3) does not include additional housing allocations. However, housing, and mixed-use residential sites allocated in the 2006 South Gloucestershire Plan, which have not yet been built out are retained and included within Part 2 of this plan Site Allocations and Safeguarding).
- 3.10 The PSP Plan includes development management policies which should be read alongside the relevant chapters in the Core Strategy. For the purposes of the issues to be determined at this appeal, the most important development management policies are discussed in this proof. However, these are not exhaustive as there are other policies that are the most important for determining the application and which are not in issue. The complete list of policies that are most important for determining the application are:

### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4a Presumption in favour of sustainable development
- CS5 Location of development
- CS6 Infrastructure and Developer contributions
- CS8 Improving accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing density
- CS17 Housing Diversity
- CS18 Affordable housing
- CS23 Community Infrastructure and cultural activity
- CS24 Green Infrastructure, sport, and recreation standards
- CS33 Housing opportunity
- CS34 Rural Areas

## **South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017**

- PSP1 (Local distinctiveness)
- PSP2 (Landscape)
- PSP3 (Trees and woodland)
- PSP6 (Onsite renewable and low carbon energy)
- PSP8 (Residential amenity)
- PSP11 (Traffic Impact Management)
- PSP16 (Parking Standards)
- PSP17 (Heritage assets and historic environment)
- PSP18 (Statutory wildlife site: European Sites and Sites of Special Scientific Interest (SSSIs))
- PSP19 (Wider Biodiversity)
- PSP20 (Flood risk, surface water and watercourse management)
- PSP21 (Environmental Pollution and Impacts)
- PSP28 (Rural Economy)
- PSP32 (Local centres, parades, and facilities)
- PSP37 (Internal Space and accessibility standards for affordable dwellings)
- PSP40 (Residential development in the countryside)
- PSP43 (Private amenity space standards)
- PSP44 (Open space, sport, and recreation)

### **Residential Development in the Countryside**

- 3.11 PSP40 (CD1.3 B) outlines that residential development in the countryside outside settlement boundaries will be acceptable for rural housing exception initiatives, rural workers dwellings and in certain circumstances replacement of existing single dwellings, conversion, and re-use of existing buildings for residential purposes 'where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area'.
- 3.12 Policy PSP40 seeks to allow some residential development in certain circumstances, and this is reflective of the approach taken in the NPPF. As such the policy is consistent with the NPPF and therefore should not be regarded as being out of date.
- 3.13 The proposal does not fall within the exceptions for development in the open countryside allowed under PSP40 as the housing proposed is not a rural housing initiative and does not comply with the provisions of a rural exception site.
- 3.14 PSP11 (CD1.3A - detailed consideration of which forms the basis of a separate proof of evidence in support of Refusal Reason 2 as set out in Appendix A), seeks to ensure that development is appropriately located with

access to key facilities. The policy seeks to reduce the need to travel and reduce reliance on private motor vehicles.

## **Emerging Policy Documents**

### **The West of England Spatial Development Strategy (SDS)**

- 3.14 It was the intention for the SDS to set out the broad locations for growth to meet the need for homes and jobs across the west of England over the next 20 years, based on capacity and what is deliverable. The local authorities of Bath and Northeast Somerset, Bristol City Council and South Gloucestershire Council were working with the West of England Combined Authority to produce the SDS. However, work has ceased following disagreement between the parties.

### **South Gloucestershire Local Plan 2020**

- 3.15 The purpose of the South Gloucestershire Local Plan 2020 is to update and replace the Council's adopted Core Strategy and Policies, Sites and Places Plan, to set out the vision to manage the sustainable development and growth of South Gloucestershire. The next Local Plan will detail the spatial objectives, locational strategy, and planning policies, including allocations for new homes, employment sites and other land uses, together with the associated key social and physical infrastructure needed to support sustainable communities in South Gloucestershire.
- 3.16 In respect of the Local Plan, a 'Phase 1 Issues and Approaches' Consultation Document was published by South Gloucestershire Council in November 2020 (CD1.4). A second stage consultation was approved by South Gloucestershire Cabinet on 13<sup>th</sup> December 2021 (CD1.7). Consultation ran from February 7<sup>th</sup> until April 5<sup>th</sup>, 2022. In accordance with the Delivery Programme, adoption of the new Local Plan was subject to the progress on the SDS.
- 3.17 However, Following the decision of the WECA Mayor to stop all work on the West of England Combined Authority Spatial Development Strategy, the Local Plans for Bath & Northeast Somerset, Bristol, and South Gloucestershire will now provide the strategic planning framework for the West of England Combined Authority area. The issue of housing need will now be addressed through individual Local Plans for each of the Local Councils. The Councils will continue their longstanding history of joint working and cooperate with each other and with other key bodies on strategic, cross boundary matters as they prepare their Local Plans.
- 3.18 The evidence base prepared so far to inform the Spatial Development Strategy will be published on the WECA website and will be reviewed and used as appropriate to inform the Councils' Local Plans.



- 3.19 As per other authorities in the West of England, South Gloucestershire Council intends to update its Local Plan Delivery Programme to set out a timeline to continue production of its new Local Plan. This will build on consultations on Phase 1 and Phase 2 document, with strategic planning issues and options taken forward in its next consultation.
- 3.20 On 10<sup>th</sup> October South Gloucestershire Council Cabinet, approval was given for an updated LPDP including a timeline, scope and approach for taking forward its new Local Plan. This confirms that the new Local Plan will now take forward strategic growth policies. The cabinet paper is listed as CD1.8

### **National Planning Policy Framework (NPPF) July 2021**

- 3.20 Government planning policy is set out within the National Policy Framework which was published in July 2021 (CD1.6). The NPPF is a material consideration in the assessment of a development proposal. The “golden thread” that runs throughout the NPPF is set out in Paragraph 7 where it is stated that *“the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- 3.21 Paragraph of the NPPF then sets out the three overarching objectives which are interdependent for achieving sustainable development.
- a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.*
- b) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*
- and c) an environmental objective – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*

## **Presumption in favour of Sustainable Development**

- 3.22 Paragraph 11 sets out the presumption in favour of sustainable development and states:

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 3.23 At footnote 8 it is clarified

*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*

- 3.24 As stated under Paragraph 74, Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

- 3.25 Alongside this, the Government in November each year (although this can vary on a year-by-year basis), provides every LPA with its Housing Delivery Test result. This provides the Government's official measure of housing delivery performance at local authority level. This and a trajectory illustrating the expected rate of housing delivery is published annually by South Gloucestershire Council as part of its Authority's Monitoring Report (AMR). The Council's position regarding the Housing Land Supply and Housing Delivery is set out in Section 4 below.

- 3.26 In summary when considering whether the principle of development is acceptable consideration of paragraph 11 is the starting point for that assessment. To re-iterate this states that development proposals that accord with an up-to-date development plan should be approved without delay.

- 3.27 Paragraph 11 continues to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, the application of a tilted balance should be applied whereby planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.28 The NPPF deems that the most important policies for determining the application will be out of date if a local planning authority does not have a five-year supply of housing calculated as set out in the NPPF or if the most important policies for determining the application are out of date in that they are not consistent with the NPPF. The Council's case in this regard is set out in Section 5 of this proof.
- 3.29 The NPPF also highlights the importance of housing land supply as a key issue in Paragraph 60 which highlights a key aim of the Framework to increase the supply of housing,

*'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*

## 4.0 Housing Land Supply/Housing Delivery

### Council's Position in respect of Housing land Supply

4.1 The Housing Delivery Test result for 2021 was published by DLUPHC on the 14th January 2022 (CD1.10) and confirmed the HDT result for South Gloucestershire Council was 133% - so substantially above the required 'pass mark' of 85%. The table below sets out

### South Gloucestershire Council - Housing Delivery Test Results

Year	Number of homes required			Total Number of Homes Required Over Last 3 Years	Number of homes delivered			Total Number of Homes Delivered Over Last 3 Years	Housing Delivery Test Result	Housing Delivery Test: Consequence	5 Year Housing Land Supply
	2015-16	2016-17	2017-18		2015-16	2016-17	2017-18				
<b>2018</b>	1,095	1,085	1,139	3,319	1,107	1,630	1,599	4,336	131%	None	6.26
	2016-17	2017-18	2018-19		2016-17	2017-18	2018-19				
<b>2019</b>	1,085	1,139	1,366	3,590	1,630	1,599	1,573	4,802	134%	None	5.21
	2017-18	2018-19	2019-20		2017-18	2018-19	2019-20				
<b>2020</b>	1,139	1,366	1,272	3,777	1,599	1,573	1,536	4,708	125%	None	5.52
	2018-19	2019-20	2020-21		2018-19	2019-20	2020-21				
<b>2021</b>	1,366	1,272	940	3,578	1,573	1,536	1,646	4,755	133%	None	5.99

This means that the past delivery of housing has not fallen below the required level set out in the NPPF and no consequences for any under delivery will apply to South Gloucestershire Council (NPPG Housing Supply and Delivery Para. 042). Therefore, in accordance with NPPF para 74, the appropriate buffer to be applied to the Local Housing Need figure (calculated using the Standard Method) is 5% to ensure choice and competition in the market for land. It can therefore be concluded that as set out in paragraph 60 of the NPPF, South Gloucestershire is supporting the objective of significantly boosting the supply of homes in its area by maintaining a substantial and sufficient supply of land to come forward as needed.

- 4.2 Indeed, in considering the Council's supply figures these demonstrate that it has a healthy supply of housing

#### **Five-year land supply calculation based on CLG 2014-based Household Projections**

	<b><u>Numerator (identified supply)</u></b>	<b>Dwellings</b>
A)	Total identified deliverable supply 2021/22 to 2025/26	8,635
	<b><u>Denominator (housing need)</u></b>	
B)	Standard method for calculating Local Housing Need based on ONS 2014-based HHPs and 2019 affordability ratios)	1,388
C)	5% buffer to ensure choice and competition in the market for land (NPPF para.73 a) (B x 0.05)	69.4
D)	B+C	1,457.4
E)	<b><u>Five-year land supply (A/D)</u></b>	<b>5.92 Years</b>

- 4.3 The table above takes into account the sites both parties have agreed to concede on through the Statement of Common Ground; 0256 - The Hoodlands, Hambrook Lane; 0036az - Parcel 30 Emersons Green East; 0226 – Watermore Junior School, Lower Stone Close and 0227 - Cleve Park, Thornbury. These account for a reduction of 91 units from the total identified supply. It also recognises an increase of 2 dwellings for site 0135aa – East of Harry Stoke (South of Railway) which results in a net reduction of 89 units.

## 5.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

### Approach to the Spatial Strategy (Reason for Refusal 1) (Appendix A)

- 5.1 It is the Council's position that the ability of the Council to determine the most appropriate locations for development within its boundaries is intact and that as set out in the refusal reason the proposed development site is in a location *"where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the district."*

### The Status of the Development Plan

- 5.2 Paragraph 2 of the NPPF sets out that Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan, and is a material consideration in planning decisions

- 5.3 As set out in 3.22 to 3.22 above however there are circumstances where the policies set out in the Development Plan may be considered out of date and the "tilted balance" applies and where development should be approved unless:

*"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 5.4 The status of the Development Plan is therefore critical to consideration of the development proposal, and this is therefore discussed below.

- 5.5 Paragraph 33 of the NPPF states:

*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated, as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should consider changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future*

- 5.6 Adopted in 2013 a formal review of the plan as a whole has not been undertaken.

### *Housing Land Supply*

- 5.7 Core Strategy policy CS15 (CD1.1 E) sets out a housing requirement of 28,355 for the period 2006 to 2027 (1350dpa). As explained above, the South Gloucestershire Core Strategy (2018-27) became more than five years old on the 12 December 2018. Therefore, in accordance with NPPF para 74, for the purpose of the 5-year land supply calculation, South Gloucestershire's housing need is calculated using the new standard method for Local Housing Need (LHN) not the figure contained in policy CS15.
- 5.8 A key component of the Local Housing Need calculation is the Government's official household projections. The PPG Housing and economic needs assessment, last updated 16 December 2020 (CD1.12), explains the 2014-based household projections in England provide the baseline for calculating the projected average annual household growth over a 10-year period (this should be ten consecutive years, with the current year being used as the starting point from which to calculate growth over that period).
- 5.9 As set out above in Section 4 it is the Council's case that South Gloucestershire Council does have a healthy five-year supply when it is calculated in accordance with the NPPF. For the purposes of this appeal the 5 years supply is therefore assessed against local housing need. Paragraph 74 requires that the supply of specific deliverable sites includes a buffer. In this case, a 5% buffer to ensure choice and competition in the market for land is appropriate as South Gloucestershire has delivered at least 85% of its housing requirement (in fact it has delivered 133% confirmed by the results of the Housing Delivery Test result for 2021 published by DLUPHC (CD1.10) on the 14th January 2022). The Council currently has a 5-year housing land supply of 5.92 years, and this is dealt with in Section 4 of this proof.
- 5.10 It is the Council's position therefore that while the 5-year period for the updating of policies passed, the local housing need figure has not changed significantly and the figure required through the standard methodology is less than that required through the Core Strategy.
- 5.11 It is the Council's position that on these grounds the tilted balance does not apply. To put it another way it can demonstrate that development at an appropriate level is being achieved in the most appropriate locations and because of this at present there is not a need or requirement to vary from the objectives of the key locational policies CS5 (CD1.1 C) and CS34(CD1.1 I) through the provision of additional locations or the review of its settlement boundaries.

### *Consistency with the Framework*

- 5.11 Notwithstanding the above consideration it is acknowledged that there are other routes aside from the Housing Land Supply matters discussed above that can lead to the conclusion that policies within a development plan are out of date with the subsequent need to apply the tilted balance. This relates to whether they are no longer consistent with the Framework. It is

considered appropriate to identify those key policies and to assess them against the Framework and reach a conclusion as to whether when taken as a whole they are out of date.

- 5.12 The purpose of the Framework is set out in detail in 3.20 above, namely the contribute to achieving sustainable development through the three objectives that fall under the headings; Economic; Social and Environmental.
- 5.13 Policy CS5 (CD1.1B) outlines the locational strategy for development in South Gloucestershire over the plan period. The clear purpose of the policy is to deliver a spatial vision that creates sustainable patterns of development, minimising the scale of development that takes place at the lower order locations principally the District's Rural areas. Core Strategy Policy CS5 states: "In the open countryside, new development will be strictly limited."
- 5.14 The Spatial Strategy of the Core Strategy set out in Policy CS5 outlines that the focus for housing growth is identified as the North and East fringes of the Bristol Urban Area. Additional growth is appropriate in Yate and Chipping Sodbury subject to it being of the correct scale subject to infrastructure provision and within Thornbury subject to it being of a scale appropriate to revitalise the town centre and strengthen the community services and facilities. Additional speculative growth outside these areas and outside of the settlement boundaries is therefore contrary to Policy CS5 (CD1.1 B) and it is considered that significant weight should be given to this conflict with the Policy, particularly where a local authority has a good supply of land.
- 5.15 Policy CS34 (CD1.1 I) outlines the vision for the rural areas and sets out a series of criteria for development proposals under points 1-13. The proposal is in direct conflict with Point 1 of CS34 which states that development proposals will protect conserve and enhance the rural areas' distinctive character. While it is acknowledged that negotiations have taken place to secure a reasonable design both in terms of appearance and layout, the proposal would have an urbanising impact on what is at present a vacant plot of land in a rural area outside of the settlement boundary. Notwithstanding this however the key purpose of Policy CS34 is to further support the Council's spatial strategy through creating sustainable communities. The proposal is in conflict with Point 5 that states that development proposals should maintain the settlement boundaries detailed on the Policies Map around rural settlements until they are reviewed wither through Neighbourhood Plans, the Policies Sites and Places Plan DPD or a replacement plan.
- 5.16 Policies CS5 (CD1.1 A) and CS34 (CD1.1 I), the policies that set out the Councils locational strategy for development within the district are fully in accord with the National Planning Policy Framework July 2021 given that The Economic Objective of the Framework seek to guide development towards sustainable solutions ensuring that development takes place in the right places and the right time with regard to the provision of infrastructure. The purpose of these policies is to direct development towards more sustainable



higher order centres. Returning to the Housing Land Supply issue it is not considered that these policies are constraining the delivery of housing in the areas where development is being promoted.

- 5.17 PSP40 (CD1.3 B) see 3.11 to 3.13), allows certain development with the Countryside outside of settlement boundaries but restricts this to extremely limited categories. The policy although placing more emphasis on the protection of rural character which is an environmental objective is also strongly linked in the text to Policy CS5 and the overarching spatial strategy.
- 5.18 PSP11CD1.3 A (the subject of a separate proof of evidence) seeks to ensure that development takes place that is located with access to key facilities this is fully in accord with the Social Objective of the Framework which seeks to ensure *“support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”*. Furthermore, PSP11 which seeks ensure the location of development close to key facilities and services and to reduce reliance on private motor vehicles is considered to accord with the environmental objectives of the Framework.
- 5.19 Policies CS5, CS34, PSP11 and PSP40 when taken as a whole are considered to be consistent with the economic objectives of the Framework, seeking to ensure that development takes place in the right places to support growth and having regard to the provision of available infrastructure. The policies identify and support a hierarchical approach to development within the district. The policies also have a strong social objective seeking to ensure that development takes place where there is maximum access to the services and facilities that will support the current and future needs of the community to ensure their health, social and cultural well-being. The policies also accord with the environmental objectives of the Framework by seeking to reduce the need to travel by ensuring that development takes place that reduces the need to travel to secure access to service and facilities by coordinating development with infrastructure provision and thereby securing benefits in terms of prudent use of resources.
- 5.20 In summary given that the council has a healthy five-year supply it is already supporting the Government’s objective of significantly boosting the supply of homes by this fact. Given that there is no demand for this speculative development there is not considered to be a justification for the development of this site which lies outside (and is detached from) the settlement boundary of Old Sodbury. If the Council is correct and it does have a five-year supply and the most important policies for determining the application are consistent with the NPPF then the tilted balance in Paragraph 11 is not engaged. The policies in the development plan should be given full weight and any conflict with these policies will only be justified where there are sufficient material considerations to indicate a departure from the adopted development plan.

## **6.0 SUMMARY AND CONCLUSIONS**

- 6.1 The starting point for the decision maker is the adopted development plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In my view the proposals are contrary to the development plan in particular policies CS1, CS5, CS34 of the Core Strategy and PSP11 and PSP40 of the Policies, Sites and Places Plan and as result permission should be refused. Despite compliance of the proposal with other parts of the development plan I consider that overall, the proposal conflicts with the development plan for the reasons set above.
- 6.3 I also consider that overall, the most important policies for determining this application are up to date i.e., that they are consistent with the NPPF for the reasons already given. I consider that these policies are CS1, 2, 4a, 5, 6, 8, 8, 9, 15, 16, 17, 18, 23, 24 and 34 of the Core Strategy; and policies PSP1, 2, 3, 6, 8, 11, 16, 17, 18, 19, 20, 21, 28, 32, 37, 40, 43 and 44 of the Policies, Sites and Places Plan. In relation to those policies which the proposal conflicts with i.e. I consider that these policies are up to date for the reasons given.
- 6.4 For the reasons set out above, and summarised below, I consider that this proposal conflicts with the adopted development plan and the policies within the NPPF.

### **Spatial Strategy**

- 6.5 The site is located outside of the settlement boundary of Old Sodbury is not included in the locational strategy of the Core Strategy, and as such is contrary to the development plan. The proposal is contrary to policies CS5 and CS34 of the Core Strategy and PSP40 of the Policies, Sites and Places Plan which seek to locate development in more sustainable locations. The spatial strategy of the core strategy directs growth to the north and east fringes of Bristol, the allocations in these areas benefit from coordinated infrastructure packages and have appropriate access to all the key facilities and services.
- 6.6 The proposal is therefore contrary to Policies CS5 and CS34 of the Core Strategy. This conflict with the strategic policies of the development plan should be given significant weight and as such indicate that planning permission should be refused. This indication is further reinforced as there

is not a need for this speculative housing development as the Council can demonstrate a healthy 5-year housing land supply figure of 5.92 years.

- 6.7 Even if it is concluded that there is not a five-year supply or that the most important policies for determining the application are out of date there are clear reasons for refusing permission in applying paragraph 11 d (i).
- 6.8 Even if it is concluded that that this is not so and the tilted balance does in some way apply it is considered that the adverse impacts do significantly and demonstrably outweigh the benefits when the proposal is against PSP11 (in relation to whether the site is within an appropriate distance to key services and facilities and whether it would provide an incentive to reduce car use and ownership).
- 6.9 As a result of my conclusion under the first part of the policy within paragraph 11 d) of the NPPF it is not strictly necessary to consider the proposal in the context of the tilted balance under the second part. However, for completeness I have provided below my conclusions on the tilted balance.
- 6.10 I consider that the development gives rise to the following benefits
- Provision of 23 market dwellings (moderate weight)
  - Provision of 12 affordable dwellings (significant weight)
  - Economic benefits (construction jobs) (low weight)
  - Public Right of Way Improvement (low weight)
- 6.11 I consider that the development would give rise to some neutral impacts
- The obligations in the S106 are to mitigate against the impact of the development
  - Ecology
  - Traffic Calming Measures (largely to mitigate against the impact of the new access)
- 6.12 The above benefits need to be balanced against the following adverse impacts of the proposal:
- Less than substantial harm to the significance of the Grade II listed Spring Grove House and Hartley House (Great Weight as set out in Paragraph 199 of NPPF)
  - Conflict with the spatial strategy in the adopted development plan (significant weight)
  - Conflict with the sustainable development objectives regarding access to key services and facilities and reliance on private car use and ownership.
- 6.13 In my opinion taken as a whole and considering the objectives of the Framework as a whole having regard to the overarching economic, social and environmental objectives, the adverse impacts significantly and demonstrably outweigh the benefits of the proposal and therefore the proposal should be refused on this basis were it to be considered that the tilted balance applies.

6.14 Therefore, however the proposal is approached permission should be refused

## **APPENDIX A – Reasons for Refusal.**

1. The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the amount of development cannot be considered limited. The proposed development is therefore contrary to policy CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2021.
2. The development would fail to provide safe, useable walking and, or cycling routes to the majority of key services and facilities as set out within Policy PSP11. Furthermore, the site would be inappropriately distanced from many of these facilities and the bus service is very restricted/limited. For these reasons the site is unsustainable as future occupants would have to rely heavily on travel by private car. The development is therefore contrary to Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.
3. In the absence of a S106 legal agreement to secure necessary traffic calming/speed reduction measures on the wider highway network there is an objection in principle to the access design which would need to accommodate visibility splays for the excess speed on the A432 past the site, resulting in a contrived build out on the southern side of the road. This asymmetrical design would reduce the ability to introduce future safety infrastructure such as cycle lanes which is a Council objective across the District, and in officers' view is considered detrimental to highway safety. It is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Site and Place Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework 2021 [para 110 (d)].
4. In the absence of an appropriate planning obligation to secure affordable housing, in accordance with the provisions of Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) Dec. 2013, the proposed development would fail to make appropriate provision for affordable housing in the district. The development is therefore contrary to Policy CS6 and, CS18 and of the South Gloucestershire Local Plan: Core Strategy (Adopted) Dec. 2013; The South Gloucestershire

Affordable Housing and Extra Care SPD (Adopted) April 2021 and the provisions of the National Planning Policy Framework 2021.

5. In the absence of an appropriate planning obligation to secure a contribution towards the provision, enhancement, and maintenance thereof, public open space the proposal fails to mitigate its own impact to the detriment of the locality. The proposed development is therefore contrary to policy CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.
6. In the absence of a Section 106 legal agreement to the contrary the proposal fails to mitigate against additional pressure on the Library Service provided at Yate and Chipping Sodbury contrary to Policies CS6 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework 2021.
7. In the absence of a Section 106 legal agreement to secure contributions towards creating primary and secondary school places for the pupils generated by the proposal, the proposal fails to provide adequate mitigation to address the impact upon local education provision arising from the development and is contrary to Policy CS6 and CS23 of the adopted South Gloucestershire Core Strategy: Local Plan 2013 and the provisions of the National Planning Policy Framework 2021.